

PG LN	Senate File 2298	Explanation
164 6	DIVISION VIII	
164 7	JUDICIAL BRANCH	
164 8	Sec. 176. JUDICIAL BRANCH. There is appropriated from the	General Fund appropriation to the Judicial Branch for operations.
164 9	general fund of the state to the judicial branch for the	
164 10	fiscal year beginning July 1, 2004, and ending June 30, 2005,	DETAIL: Maintains current level of General Fund support and FTE
164 11	the following amount, or so much thereof as is necessary, to	positions.
164 12	be used for the purposes designated:	
164 13	For salaries of supreme court justices, appellate court	
164 14	judges, district court judges, district associate judges,	
164 15	judicial magistrates and staff, state court administrator,	
164 16	clerk of the supreme court, district court administrators,	
164 17	clerks of the district court, juvenile court officers, board	
164 18	of law examiners and board of examiners of shorthand reporters	
164 19	and judicial qualifications commission, receipt and	
164 20	disbursement of child support payments, reimbursement of the	
164 21	auditor of state for expenses incurred in completing audits of	
164 22	the offices of the clerks of the district court during the	
164 23	fiscal year beginning July 1, 2004, and maintenance,	
164 24	equipment, and miscellaneous purposes:	
164 25 \$117,837,862	
164 26	1. The judicial branch, except for purposes of internal	Prohibits the Judicial Branch from duplicating current State payroll,
164 27	processing, shall use the current state budget system, the	budgeting, and accounting systems, except for implementation of an
164 28	state payroll system, and the Iowa finance and accounting	internal accounting and record keeping system.
164 29	system in administration of programs and payments for	
164 30	services, and shall not duplicate the state payroll,	
164 31	accounting, and budgeting systems.	
164 32	2. The judicial branch shall submit monthly financial	Requires the Judicial Branch to submit monthly financial statements
164 33	statements to the legislative services agency and the	on all appropriated accounts to the Legislative Services Agency and
164 34	department of management containing all appropriated accounts	the Department of Management (DOM). Specifies what is to be
164 35	in the same manner as provided in the monthly financial status	included in the financial statements.
165 1	reports and personal services usage reports of the department	
165 2	of administrative services. The monthly financial statements	
165 3	shall include a comparison of the dollars and percentage spent	
165 4	of budgeted versus actual revenues and expenditures on a	

165 5 cumulative basis for full-time equivalent positions and
165 6 dollars.

165 7 3. The judicial branch shall focus efforts upon the
165 8 collection of delinquent fines, penalties, court costs, fees,
165 9 surcharges, or similar amounts.

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.

165 10 4. It is the intent of the general assembly that the
165 11 offices of the clerks of the district court operate in all
165 12 ninety-nine counties and be accessible to the public as much
165 13 as is reasonably possible in order to address the relative
165 14 needs of the citizens of each county.

Specifies the intent of the General Assembly that the Judicial Branch operate the Clerk of Court offices in all 99 counties and ensure the offices are accessible to the public as much as is reasonably possible.

165 15 5. The judicial branch shall study the best practices and
165 16 efficiencies of each judicial district. In identifying the
165 17 most efficient judicial districts and the districts using best
165 18 practices, the judicial branch shall consider the average cost
165 19 to the judicial branch for processing each classification of
165 20 criminal offense or civil action and the overall number of
165 21 cases filed. The judicial branch shall file a report
165 22 regarding the study made and actions taken pursuant to this
165 23 subsection with the cochairpersons and ranking members of the
165 24 joint appropriations subcommittee on the justice system and to
165 25 the legislative services agency by December 15, 2004.

Requires the Judicial Branch to study the best practices and efficiencies of each judicial district and submit a report to the General Assembly and Legislative Services Agency by December 15, 2004.

165 26 6. In addition to the requirements for transfers under
165 27 section 8.39, the judicial branch shall not change the
165 28 appropriations from the amounts appropriated to the judicial
165 29 branch in this division of this Act, unless notice of the
165 30 revisions is given prior to their effective date to the
165 31 legislative services agency. The notice shall include
165 32 information on the branch's rationale for making the changes
165 33 and details concerning the workload and performance measures
165 34 upon which the changes are based.

Requires the Judicial Branch to notify the Legislative Services Agency prior to any intradepartmental transfer of funds. Specifies the contents of the notice.

165 35 7. The judicial branch shall submit a semiannual update to
 166 1 the legislative services agency specifying the amounts of
 166 2 fines, surcharges, and court costs collected using the Iowa
 166 3 court information system since the last report. The judicial
 166 4 branch shall continue to facilitate the sharing of vital
 166 5 sentencing and other information with other state departments
 166 6 and governmental agencies involved in the criminal justice
 166 7 system through the Iowa court information system.

Requires the Judicial Branch to provide a semi-annual report to the Legislative Services Agency, specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). The Judicial Branch will continue to share vital sentencing and other information with departments and government agencies involved with the criminal justice system through the ICIS.

166 8 8. The judicial branch shall provide a report to the
 166 9 general assembly by January 1, 2005, concerning the amounts
 166 10 received and expended from the enhanced court collections fund
 166 11 created in section 602.1304 and the court technology and
 166 12 modernization fund created in section 602.8108, subsection 5,
 166 13 during the fiscal year beginning July 1, 2003, and ending June
 166 14 30, 2004, and the plans for expenditures from each fund during
 166 15 the fiscal year beginning July 1, 2004, and ending June 30,
 166 16 2005. A copy of the report shall be provided to the
 166 17 legislative services agency.

Requires the Judicial Branch to report to the General Assembly by January 1, 2005, concerning the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2004 and planned expenditures for FY 2005. The Judicial Branch is required to provide a copy of this report to the Legislative Services Agency.

166 18 Sec. 177. JUDICIAL RETIREMENT FUND. There is appropriated
 166 19 from the general fund of the state to the judicial retirement
 166 20 fund for the fiscal year beginning July 1, 2004, and ending
 166 21 June 30, 2005, the following amount, or so much thereof as is
 166 22 necessary, to be used for the purpose designated:
 166 23 Notwithstanding section 602.9104, for the state's
 166 24 contribution to the judicial retirement fund in the amount of
 166 25 9.71 percent of the basic salaries of the judges covered under
 166 26 chapter 602, article 9:
 166 27 \$ 2,039,664

General Fund appropriation to the Judicial Branch for the Judicial Retirement Fund.

DETAIL: Maintains current level of General Fund support.

CODE: Reduces the State's contribution to the Judicial Retirement Fund from 23.70% to 9.71% of the basic salaries of the judges covered under Chapter 602, Article 9.

166 28 Sec. 178. APPOINTMENT OF CLERK OF COURT. The appointment
 166 29 of a clerk of the district court shall not occur unless the
 166 30 state court administrator approves the appointment.

Requires the State Court Administrator to approve all Clerk of Court appointments.

DETAIL: The State Court Administrator is supervising the appointment of clerks of the district court for State budgetary reasons.

166 31 Sec. 179. POSTING OF REPORTS IN ELECTRONIC FORMAT —
 166 32 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
 166 33 required to be provided by the judicial branch for fiscal year
 166 34 2004–2005 to the legislative services agency shall be provided
 166 35 in an electronic format. The legislative services agency
 167 1 shall post the reports on its internet site and shall notify
 167 2 by electronic means all the members of the joint
 167 3 appropriations subcommittee on the justice system when a
 167 4 report is posted. Upon request, copies of the reports may be
 167 5 mailed to members of the joint appropriations subcommittee on
 167 6 the justice system.

Requires the Judicial Branch to provide the Legislative Services Agency with reports in electronic format so that the reports can be placed on the Legislative Services Agency web site. The Legislative Services Agency is to notify members of the Joint Justice System Appropriations Subcommittee when reports have been received and published.

167 7 DIVISION IX
 167 8 JUSTICE SYSTEM

167 9 Sec. 180. DEPARTMENT OF JUSTICE.
 167 10 1. There is appropriated from the general fund of the
 167 11 state to the department of justice for the fiscal year
 167 12 beginning July 1, 2004, and ending June 30, 2005, the
 167 13 following amounts, or so much thereof as is necessary, to be
 167 14 used for the purposes designated:

167 15 a. For the general office of attorney general for
 167 16 salaries, support, maintenance, miscellaneous purposes
 167 17 including the prosecuting attorneys training program, victim
 167 18 assistance grants, office of drug control policy (ODCP)
 167 19 prosecuting attorney program, legal services for persons in
 167 20 poverty grants as provided in section 13.34, odometer fraud
 167 21 enforcement, and for not more than the following full–time
 167 22 equivalent positions:
 167 23 \$ 7,565,245
 167 24 FTEs 208.50

General Fund appropriation to the Department of Justice for the Office of the Attorney General, Prosecuting Attorney Training Program, Victim Assistance Grants, Office of Drug Control Policy and Prosecuting Attorney Training Program.

DETAIL: Maintains current level of General Fund support and FTE positions.

167 25 It is the intent of the general assembly that as a
 167 26 condition of receiving the appropriation provided in this
 167 27 lettered paragraph, the department of justice shall maintain a
 167 28 record of the estimated time incurred representing each agency

Specifies the intent of the General Assembly that the Department of Justice maintain a record of the estimated time incurred to represent each agency or department.

167 29 or department.

167 30 b. For victim assistance grants:
 167 31 \$ 5,000

General Fund appropriation to the Department of Justice for the Victims Assistance Grants Program.

DETAIL: This Program has not received a General Fund appropriation since FY 2002.

167 32 The funds appropriated in this lettered paragraph shall be
 167 33 used to provide grants to care providers providing services to
 167 34 crime victims of domestic abuse or to crime victims of rape
 167 35 and sexual assault.

Requires that Victim Assistance Funds be awarded as grants to providers of services for victims of domestic abuse, rape, and sexual assault.

168 1 2. In addition to the funds appropriated in subsection 1,
 168 2 there is appropriated from the general fund of the state to
 168 3 the department of justice for the fiscal year beginning July
 168 4 1, 2004, and ending June 30, 2005, an amount not exceeding
 168 5 \$200,000 to be used for the enforcement of the Iowa
 168 6 competition law. The funds appropriated in this subsection
 168 7 are contingent upon receipt by the general fund of the state
 168 8 of an amount at least equal to the expenditure amount from
 168 9 either damages awarded to the state or a political subdivision
 168 10 of the state by a civil judgment under chapter 553, if the
 168 11 judgment authorizes the use of the award for enforcement
 168 12 purposes or costs or attorneys fees awarded the state in state
 168 13 or federal antitrust actions. However, if the amounts
 168 14 received as a result of these judgments are in excess of
 168 15 \$200,000, the excess amounts shall not be appropriated to the
 168 16 department of justice pursuant to this subsection. The
 168 17 department of justice shall report the department's actual
 168 18 costs and an estimate of the time incurred enforcing the
 168 19 competition law, to the cochairpersons and ranking members of
 168 20 the joint appropriations subcommittee on the justice system,
 168 21 and to the legislative services agency by November 15, 2004.

Contingent General Fund appropriation to the Department of Justice for the enforcement of the Iowa Competition Law. The appropriation is contingent upon the receipt of damages due to anti-trust lawsuits and is limited to \$200,000. Requires the Department of Justice to report the actual costs and an estimate of the time incurred to enforce the Iowa Competition Law to the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee and the Legislative Services Agency (LSA) by November 15, 2004.

DETAIL: Maintains current level of contingent funding. The Office of the Attorney General expended \$165,830 in FY 2003. Expenditures included \$135,374 as a reimbursement to the Office of the Attorney General. The FY 2003 year-end balance of \$269,626 carried forward to FY 2004. The estimated net FY 2004 budget is \$369,626, which includes the balance brought forward from FY 2003 and refunds and reimbursements. Estimated expenditures for FY 2004 are \$187,150. The year-end balance that will be brought forward to FY 2005 is estimated to be \$182,476.

168 22 3. In addition to the funds appropriated in subsection 1,
 168 23 there is appropriated from the general fund of the state to

Contingent General Fund appropriation to the Department of Justice for consumer education and the enforcement of consumer fraud law.

168 24 the department of justice for the fiscal year beginning July
 168 25 1, 2004, and ending June 30, 2005, an amount not exceeding
 168 26 \$1,125,000 to be used for public education relating to
 168 27 consumer fraud and for enforcement of section 714.16, and an
 168 28 amount not exceeding \$75,000 for investigation, prosecution,
 168 29 and consumer education relating to consumer and criminal fraud
 168 30 against older lowans. The funds appropriated in this
 168 31 subsection are contingent upon receipt by the general fund of
 168 32 the state of an amount at least equal to the expenditure
 168 33 amount from damages awarded to the state or a political
 168 34 subdivision of the state by a civil consumer fraud judgment or
 168 35 settlement, if the judgment or settlement authorizes the use
 169 1 of the award for public education on consumer fraud. However,
 169 2 if the funds received as a result of these judgments and
 169 3 settlements are in excess of \$1,200,000, the excess funds
 169 4 shall not be appropriated to the department of justice
 169 5 pursuant to this subsection. The department of justice shall
 169 6 report to the cochairpersons and ranking members of the joint
 169 7 appropriations subcommittee on the justice system, and to the
 169 8 legislative services agency by November 15, 2004, the
 169 9 department's actual costs and an estimate of the time incurred
 169 10 in providing education pursuant to and enforcing this
 169 11 subsection.

169 12 4. The balance of the victim compensation fund established
 169 13 in section 915.94 may be used to provide salary and support of
 169 14 not more than 20.00 FTEs and to provide maintenance for the
 169 15 victim compensation functions of the department of justice.

169 16 5. a. The department of justice, in submitting budget
 169 17 estimates for the fiscal year commencing July 1, 2005,
 169 18 pursuant to section 8.23, shall include a report of funding
 169 19 from sources other than amounts appropriated directly from the
 169 20 general fund of the state to the department of justice or to
 169 21 the office of consumer advocate. These funding sources shall
 169 22 include, but are not limited to, reimbursements from other

The appropriation is contingent upon the receipt of damages due to consumer fraud lawsuits and is limited to \$1,200,000. Of this amount, \$1,125,000 is to be used for public education and enforcement purposes, and \$75,000 is to be used for investigation, prosecution, and consumer education relating to fraud against older lowans. Requires the Department of Justice to report the actual costs and an estimate of the time incurred for education and enforcement of consumer fraud law to the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by November 15, 2004.

DETAIL: Maintains current level of contingent funding. The Office of the Attorney General expended \$1,056,073 in FY 2003. Expenditures included \$918,338 as a reimbursement to the Office of the Attorney General, and \$137,735 was returned to victims of consumer fraud. The FY 2003 year-end balance of \$923,763 carried forward to FY 2004. The estimated net FY 2004 budget is \$1,178,763, which includes the balance brought forward from FY 2003, interest earned, and refunds and reimbursements. Estimated expenditures for FY 2004 are \$900,100, which includes reimbursement to the Office of the Attorney General, and funds returned to victims of consumer fraud. The year-end balance that will be brought forward to FY 2005 is estimated to be \$278,663.

Permits 20.00 FTE positions to be funded from the Victim Compensation Fund to administer the victim compensation functions of the Department of Justice.

DETAIL: Maintains current level of FTE positions.

Requires the Department of Justice, in submitting FY 2006 budget estimates, to submit a report to the DOM that specifies the amount of funding from all sources other than the General Fund. The report is to include actual reimbursements from other fund accounts for FY 2004 and FY 2005.

169 23 state agencies, commissions, boards, or similar entities, and
169 24 reimbursements from special funds or internal accounts within
169 25 the department of justice. The department of justice shall
169 26 report actual reimbursements for the fiscal year commencing
169 27 July 1, 2003, and actual and expected reimbursements for the
169 28 fiscal year commencing July 1, 2004.

169 29 b. The department of justice shall include the report
169 30 required under paragraph "a", as well as information regarding
169 31 any revisions occurring as a result of reimbursements actually
169 32 received or expected at a later date, in a report to the
169 33 cochairpersons and ranking members of the joint appropriations
169 34 subcommittee on the justice system and the legislative
169 35 services agency. The department of justice shall submit the
170 1 report on or before January 15, 2005.

Requires the Department of Justice to submit a report that specifies the amount of funding from all sources other than the General Fund and any revisions that occur as a result of actual reimbursements. The report is to be submitted to the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by January 15, 2005.

170 2 Sec. 181. DEPARTMENT OF JUSTICE — ENVIRONMENTAL CRIMES
170 3 INVESTIGATION AND PROSECUTION — FUNDING. There is
170 4 appropriated from the environmental crime fund of the
170 5 department of justice, consisting of court-ordered fines and
170 6 penalties awarded to the department arising out of the
170 7 prosecution of environmental crimes, to the department of
170 8 justice for the fiscal year beginning July 1, 2004, and ending
170 9 June 30, 2005, an amount not exceeding \$20,000 to be used by
170 10 the department, at the discretion of the attorney general, for
170 11 the investigation and prosecution of environmental crimes,
170 12 including the reimbursement of expenses incurred by county,
170 13 municipal, and other local governmental agencies cooperating
170 14 with the department in the investigation and prosecution of
170 15 environmental crimes.

Contingent appropriation from the Environmental Crime Fund of up to \$20,000 to the Department of Justice. The appropriation is contingent upon receipt of contributions, court-ordered restitution, and consent decrees as a part of civil or regulatory enforcement actions. The funds are to be used for the investigation and prosecution of environmental crimes.

170 16 The funds appropriated in this section are contingent upon
170 17 receipt by the environmental crime fund of the department of
170 18 justice of an amount at least equal to the appropriations made
170 19 in this section and received from contributions, court-ordered
170 20 restitution as part of judgments in criminal cases, and
170 21 consent decrees entered into as part of civil or regulatory
170 22 enforcement actions. However, if the funds received during

DETAIL: Maintains current level of contingent funding. The Office of the Attorney General spent \$703 in FY 2003. The FY 2003 year-end balance of \$14,785 carried forward to FY 2004. The estimated net FY 2004 budget is \$17,785, which includes the balance brought forward from FY 2003 and refunds and reimbursements. Estimated expenditures for FY 2004 are \$3,000. The year-end balance that will be brought forward to FY 2005 is estimated to be \$14,785.

170 23 the fiscal year are in excess of \$20,000, the excess funds
 170 24 shall be deposited in the general fund of the state.

170 25 Notwithstanding section 8.33, moneys appropriated in this
 170 26 section that remain unencumbered or unobligated at the close
 170 27 of the fiscal year shall not revert but shall remain available
 170 28 for expenditure for the purpose designated until the close of
 170 29 the succeeding fiscal year.

CODE: Allows any ending balance of the contingent appropriation to carry forward to the next fiscal year.

170 30 Sec. 182. OFFICE OF CONSUMER ADVOCATE. There is
 170 31 appropriated from the general fund of the state to the office
 170 32 of consumer advocate of the department of justice for the
 170 33 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 170 34 the following amount, or so much thereof as is necessary, to
 170 35 be used for the purposes designated:

General Fund appropriation to the Department of Justice for the Office of the Consumer Advocate.

171 1 For salaries, support, maintenance, miscellaneous purposes,
 171 2 and for not more than the following full-time equivalent
 171 3 positions:
 171 4 \$ 2,803,862
 171 5 FTEs 27.00

DETAIL: Maintains current level of General Fund support and FTE positions.

171 6 Sec. 183. DEPARTMENT OF CORRECTIONS — FACILITIES.

171 7 1. There is appropriated from the general fund of the
 171 8 state to the department of corrections for the fiscal year
 171 9 beginning July 1, 2004, and ending June 30, 2005, the
 171 10 following amounts, or so much thereof as is necessary, to be
 171 11 used for the purposes designated:

171 12 For the operation of adult correctional institutions,
 171 13 reimbursement of counties for certain confinement costs, and
 171 14 federal prison reimbursement, to be allocated as follows:

171 15 a. For the operation of the Fort Madison correctional
 171 16 facility, including salaries, support, maintenance, and
 171 17 miscellaneous purposes:
 171 18 \$ 38,009,504

General Fund appropriation to the Department of Corrections (DOC) for the Fort Madison Correctional Facility.

DETAIL: This is an increase of \$616,355 and no change in FTE positions as compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$156,897 for utility rate increases.
- An increase of \$459,458 for pharmaceuticals.

DETAIL: House File 2577 (FY 2005 Healthy Iowans Tobacco Trust Appropriations Act) provides an additional \$1,187,285 for operating costs at the Clinical Care Unit.

171 19 b. For the operation of the Anamosa correctional facility,
 171 20 including salaries, support, maintenance, and miscellaneous
 171 21 purposes:
 171 22 \$ 26,913,551

General Fund appropriation to the DOC for the Anamosa Correctional Facility.

DETAIL: This is an increase of \$444,825 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$281,669 for utility rate increases.
- An increase of \$163,156 for pharmaceuticals.

171 23 Moneys are provided within this appropriation for one full–
 171 24 time substance abuse counselor for the Luster Heights
 171 25 facility, for the purpose of certification of a substance
 171 26 abuse program at that facility.

Specifies that funds be provided for one substance abuse counselor to be employed at the Luster Heights Facility.

171 27 c. For the operation of the Oakdale correctional facility,
 171 28 including salaries, support, maintenance, and miscellaneous
 171 29 purposes:
 171 30 \$ 23,536,936

General Fund appropriation to the DOC for the Oakdale Correctional Facility.

DETAIL: This is an increase of \$409,554 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$129,000 for utility rate increases.
- An increase of \$30,554 for pharmaceuticals.
- An increase of \$250,000 to conduct Hepatitis C testing on all new admissions.

171 31 d. For the operation of the Newton correctional facility,
 171 32 including salaries, support, maintenance, and miscellaneous
 171 33 purposes:
 171 34 \$ 24,533,794

General Fund appropriation to the DOC for the Newton Correctional Facility.

DETAIL: This is an increase of \$526,783 and a decrease of 1.00 FTE position compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$162,894 for utility rate increases.
- An increase of \$363,889 for pharmaceuticals.
- A decrease of 1.00 FTE position to eliminate an unfunded position.

DETAIL: House File 2577 (FY 2005 Healthy Iowans Tobacco Trust Appropriations Act) provides \$310,000 for a value-based treatment program at the Newton Correctional Facility.

172 35 e. For the operation of the Mt. Pleasant correctional
 172 1 facility, including salaries, support, maintenance, and
 172 2 miscellaneous purposes:
 172 3 \$ 22,464,361

General Fund appropriation to the DOC for the Mount Pleasant Correctional Facility.

DETAIL: This is an increase of \$157,941 and a decrease of 0.25 FTE position compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$141,416 for utility rate increases.
- An increase of \$16,525 for pharmaceuticals.
- A decrease of 0.25 FTE position to eliminate an unfunded position.

172 4 f. For the operation of the Rockwell City correctional
 172 5 facility, including salaries, support, maintenance, and
 172 6 miscellaneous purposes:
 172 7 \$ 7,772,369

General Fund appropriation to the DOC for the Rockwell City Correctional Facility.

DETAIL: This is an increase of \$61,362 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$35,437 for utility rate increases.
- An increase of \$25,925 for pharmaceuticals.

<p>172 8 g. For the operation of the Clarinda correctional 172 9 facility, including salaries, support, maintenance, and 172 10 miscellaneous purposes: 172 11 \$ 22,518,204</p>	<p>General Fund appropriation to the DOC for the Clarinda Correctional Facility.</p> <p>DETAIL: This is an increase of \$2,246,951 and 42.92 FTE positions compared to the estimated net FY 2004 appropriation. The change includes:</p> <ul style="list-style-type: none"> • An increase of \$76,604 for utility rate increases. • An increase of \$19,175 for pharmaceuticals. • An increase of \$2,428,672 and 42.92 FTE positions to annualize operating costs of the 225-bed lodge. • A decrease of \$277,500 to eliminate the FY 2004 one-time costs of the new lodge.
<p>172 12 Moneys received by the department of corrections as 172 13 reimbursement for services provided to the Clarinda youth 172 14 corporation are appropriated to the department and shall be 172 15 used for the purpose of operating the Clarinda correctional 172 16 facility.</p>	<p>Appropriates reimbursements from the Clarinda Youth Academy to the DOC for operating costs associated with the Clarinda Correctional Facility.</p> <p>DETAIL: The Clarinda Youth Academy's annual reimbursement to the prison is approximately \$1,000,000.</p>
<p>172 17 h. For the operation of the Mitchellville correctional 172 18 facility, including salaries, support, maintenance, and 172 19 miscellaneous purposes: 172 20 \$ 13,190,260</p>	<p>General Fund appropriation to the DOC for the Mitchellville Correctional Facility.</p> <p>DETAIL: This is an increase of \$192,209 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:</p> <ul style="list-style-type: none"> • An increase of \$34,176 for utility rate increases. • An increase of \$158,033 for pharmaceuticals.
<p>172 21 i. For the operation of the Fort Dodge correctional 172 22 facility, including salaries, support, maintenance, and 172 23 miscellaneous purposes: 172 24 \$ 25,880,530</p>	<p>General Fund appropriation to the DOC for the Fort Dodge Correctional Facility.</p> <p>DETAIL: This is an increase of \$95,484 and no change in FTE</p>

positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$40,523 for utility rate increases.
- An increase of \$54,961 for pharmaceuticals.

172 25 j. For reimbursement of counties for temporary confinement
 172 26 of work release and parole violators, as provided in sections
 172 27 901.7, 904.908, and 906.17 and for offenders confined pursuant
 172 28 to section 904.513:
 172 29 \$ 674,954

General Fund appropriation to the DOC for the County Confinement Account to pay for holding alleged parole and work release violators until their revocation hearing.

DETAIL: Maintains current level of General Fund support.

172 30 k. For federal prison reimbursement, reimbursements for
 172 31 out-of-state placements, and miscellaneous contracts:
 172 32 \$ 241,293

General Fund appropriation to the DOC to reimburse the federal Bureau of Prisons for confining Iowa inmates and to pay miscellaneous contracts.

DETAIL: Maintains current level of General Fund support.

172 33 The department of corrections shall use funds appropriated
 172 34 in this subsection to continue to contract for the services of
 172 35 a Muslim imam.

Requires the DOC to contract with a Muslim imam to provide religious services and religious counseling.

DETAIL: This contract is required pursuant to a federal court order.

173 1 Sec. 184. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

173 2 1. There is appropriated from the general fund of the
 173 3 state to the department of corrections for the fiscal year
 173 4 beginning July 1, 2004, and ending June 30, 2005, the
 173 5 following amounts, or so much thereof as is necessary, to be
 173 6 used for the purposes designated:

173 7 a. For general administration, including salaries,
 173 8 support, maintenance, employment of an education director to
 173 9 administer a centralized education program for the
 173 10 correctional system, and miscellaneous purposes:
 173 11 \$ 2,784,393

General Fund appropriation to the DOC for the Central Office.

DETAIL: Maintains current level of General Fund support and FTE positions.

173 12 (1) It is the intent of the general assembly that as a
173 13 condition of receiving the appropriation provided in this
173 14 lettered paragraph, the department of corrections shall not,
173 15 except as otherwise provided in subparagraph (3), enter into a
173 16 new contract, unless the contract is a renewal of an existing
173 17 contract, for the expenditure of moneys in excess of \$100,000
173 18 during the fiscal year beginning July 1, 2004, for the
173 19 privatization of services performed by the department using
173 20 state employees as of July 1, 2004, or for the privatization
173 21 of new services by the department, without prior consultation
173 22 with any applicable state employee organization affected by
173 23 the proposed new contract and prior notification of the
173 24 cochairpersons and ranking members of the joint appropriations
173 25 subcommittee on the justice system.

Specifies the intent of the General Assembly that, as a condition of receiving appropriated funds, the DOC not enter into a contract in excess of \$100,000 for privatized services during FY 2005 without prior notification of the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee. Existing contracts may be renewed without notification.

173 26 (2) It is the intent of the general assembly that each
173 27 lease negotiated by the department of corrections with a
173 28 private corporation for the purpose of providing private
173 29 industry employment of inmates in a correctional institution
173 30 shall prohibit the private corporation from utilizing inmate
173 31 labor for partisan political purposes for any person seeking
173 32 election to public office in this state and that a violation
173 33 of this requirement shall result in a termination of the lease
173 34 agreement.

Specifies the intent of the General Assembly that the DOC prohibit the use of inmate labor for partisan political activities within Iowa when contracting for inmate workers to be employed by a private business. Violation of these contract terms will result in termination of the contract.

173 35 (3) It is the intent of the general assembly that as a
174 1 condition of receiving the appropriation provided in this
174 2 lettered paragraph, the department of corrections shall not
174 3 enter into a lease or contractual agreement pursuant to
174 4 section 904.809 with a private corporation for the use of
174 5 building space for the purpose of providing inmate employment
174 6 without providing that the terms of the lease or contract
174 7 establish safeguards to restrict, to the greatest extent
174 8 feasible, access by inmates working for the private
174 9 corporation to personal identifying information of citizens.

Specifies the intent of the General Assembly that, as a condition of receiving the appropriated funds, the DOC, when contracting with a private business for inmate employment, shall restrict inmates' access to citizens' personal identifying information.

174 10 b. For educational programs for inmates at state penal
 174 11 institutions:
 174 12 \$ 1,008,358

General Fund appropriation to the DOC for educational programs for inmates.

 DETAIL: This is an increase of \$8,358 compared to the estimated net FY 2004 General Fund appropriation. The DOC contracts with local community colleges to provide education to inmates.

174 13 It is the intent of the general assembly that moneys
 174 14 appropriated in this lettered paragraph shall be used solely
 174 15 for the purpose indicated and that the moneys shall not be
 174 16 transferred for any other purpose. In addition, it is the
 174 17 intent of the general assembly that the department shall
 174 18 consult with the community colleges in the areas in which the
 174 19 institutions are located to utilize moneys appropriated in
 174 20 this lettered paragraph to fund the high school completion,
 174 21 high school equivalency diploma, adult literacy, and adult
 174 22 basic education programs in a manner so as to maintain these
 174 23 programs at the institutions.
 174 24 To maximize the funding for educational programs, the
 174 25 department shall establish guidelines and procedures to
 174 26 prioritize the availability of educational and vocational
 174 27 training for inmates based upon the goal of facilitating an
 174 28 inmate's successful release from the correctional institution.
 174 29 The director of the department of corrections may transfer
 174 30 moneys from Iowa prison industries for use in educational
 174 31 programs for inmates.
 174 32 Notwithstanding section 8.33, moneys appropriated in this
 174 33 lettered paragraph that remain unobligated or unexpended at
 174 34 the close of the fiscal year shall not revert but shall remain
 174 35 available for expenditure only for the purpose designated in
 175 1 this lettered paragraph until the close of the succeeding
 175 2 fiscal year.

Specifies the intent of the General Assembly that these funds be used only for inmate education. Also requires the DOC to consult with community colleges located within the area of the prisons regarding how to maintain the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs at the Institutions. Requires the DOC to establish guidelines and procedures to prioritize admission to educational and vocational programs to facilitate inmates' successful release from prison. Permits the DOC to transfer funds from the Iowa Prison Industries Revolving Fund for educational programs for inmates.

 CODE: Requires that unexpended and unobligated educational program funds not revert to the General Fund but remain available in FY 2006 only for the specified purposes.

175 3 c. For the development of the Iowa corrections offender
 175 4 network (ICON) data system:
 175 5 \$ 427,700

General Fund appropriation to the DOC for the Iowa Corrections Offender Network (ICON).

 DETAIL: Maintains current level of General Fund support.

175 6 2. It is the intent of the general assembly that the
175 7 department of corrections shall continue to operate the
175 8 correctional farms under the control of the department at the
175 9 same or greater level of participation and involvement as
175 10 existed as of January 1, 2004, shall not enter into any rental
175 11 agreement or contract concerning any farmland under the
175 12 control of the department that is not subject to a rental
175 13 agreement or contract as of January 1, 2004, without prior
175 14 legislative approval, and shall further attempt to provide job
175 15 opportunities at the farms for inmates. The department shall
175 16 attempt to provide job opportunities at the farms for inmates
175 17 by encouraging labor-intensive farming or gardening where
175 18 appropriate, using inmates to grow produce and meat for
175 19 institutional consumption, researching the possibility of
175 20 instituting food canning and cook-and-chill operations, and
175 21 exploring opportunities for organic farming and gardening,
175 22 livestock ventures, horticulture, and specialized crops.

175 23 3. The department shall work to increase produce gardening
175 24 by inmates under the control of the correctional institutions,
175 25 and, if appropriate, may use the central distribution network
175 26 at the Woodward state resource center. The department shall
175 27 file a report with the cochairpersons and ranking members of
175 28 the joint appropriations subcommittee on the justice system by
175 29 December 1, 2004, regarding the feasibility of expanding the
175 30 number of acres devoted to organic gardening and to the
175 31 growing of organic produce for sale.

175 32 4. The department of corrections shall submit a report to
175 33 the general assembly by January 1, 2005, concerning moneys
175 34 recouped from inmate earnings for the reimbursement of
175 35 operational expenses of the applicable facility during the
176 1 fiscal year beginning July 1, 2003, for each correctional
176 2 institution and judicial district department of correctional
176 3 services. In addition, each correctional institution and
176 4 judicial district department of correctional services shall
176 5 continue to submit a report to the legislative services agency

Specifies the intent of the General Assembly that the DOC continue farm operations at the same or greater level as existed on January 1, 2004. The DOC is prohibited from renting farmland under the control of the DOC that is not currently being rented without legislative approval. The DOC is to provide meaningful job opportunities for inmates employed on the farms.

Requires the DOC to increase produce gardening by inmates and, if appropriate, permits the DOC to use the central distribution network at the Woodward State Resource Center. Requires the DOC to file a report with the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee by December 1, 2004, regarding the feasibility of expanding the number of acres devoted to organic gardening and to growing organic produce for sale.

Requires the DOC to submit a report to the General Assembly by January 1, 2005, concerning the FY 2004 revenues recouped from inmate earnings for operational expenses for each prison and Community-Based Corrections (CBC) District Department. Each prison and CBC District Department is required to submit monthly reports to the LSA concerning funds recovered from offenders for inmate deductions, private sector employment of inmates, and enrollment fees.

176 6 on a monthly basis concerning moneys recouped from inmate
 176 7 earnings pursuant to sections 904.702, 904.809, and 905.14.

176 8 5. The department of corrections, in consultation with the
 176 9 board of parole, shall study the feasibility of establishing a
 176 10 mentoring program using unpaid volunteers to mentor persons
 176 11 who are on probation or parole. The department of corrections
 176 12 shall file a report regarding the study with the
 176 13 cochairpersons and ranking members of the joint appropriations
 176 14 subcommittee on the justice system, and the legislative
 176 15 services agency by December 15, 2004. The report shall detail
 176 16 the feasibility of establishing such a mentoring program.

Requires the DOC, in cooperation with the Board of Parole, to conduct a feasibility study of mentoring programs. Requires the DOC to file a report with the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by December 15, 2004, regarding the feasibility of mentoring programs.

176 17 Sec. 185. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
 176 18 SERVICES.

176 19 1. There is appropriated from the general fund of the
 176 20 state to the department of corrections for the fiscal year
 176 21 beginning July 1, 2004, and ending June 30, 2005, the
 176 22 following amounts, or so much thereof as is necessary, to be
 176 23 allocated as follows:

176 24 a. For the first judicial district department of
 176 25 correctional services, including the treatment and supervision
 176 26 of probation and parole violators who have been released from
 176 27 the department of corrections violator program, the following
 176 28 amount, or so much thereof as is necessary:
 176 29 \$ 10,090,207

General Fund appropriation to the DOC for the First CBC District Department.

DETAIL: This is an increase of \$236,998 and a decrease of 3.00 FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$236,998 to fund 5.00 currently authorized, unfunded FTE positions.
- A decrease of 3.00 FTE positions to eliminate unfunded positions.

176 30 b. For the second judicial district department of
 176 31 correctional services, including the treatment and supervision
 176 32 of probation and parole violators who have been released from
 176 33 the department of corrections violator program, the following

General Fund appropriation to the DOC for the Second CBC District Department.

176 34 amount, or so much thereof as is necessary:
 176 35 \$ 7,755,402

DETAIL: This is an increase of \$98,321 and a decrease of 1.00 FTE position compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$94,799 to fund 2.00 currently authorized, unfunded FTE positions.
- An increase of \$3,522 for utility rate increases.
- A decrease of 1.00 FTE position to eliminate an unfunded position.

DETAIL: House File 2577 (FY 2005 Healthy Iowans Tobacco Trust Appropriations Act) provides \$127,217 for a Day Program that includes 3.00 FTE positions.

177 1 c. For the third judicial district department of
 177 2 correctional services, including the treatment and supervision
 177 3 of probation and parole violators who have been released from
 177 4 the department of corrections violator program, the following
 177 5 amount, or so much thereof as is necessary:
 177 6 \$ 4,631,423

General Fund appropriation to the DOC for the Third CBC District Department.

DETAIL: This is an increase of \$103,604 and a decrease of 1.00 FTE position compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$94,799 to fund 2.00 currently authorized, unfunded FTE positions.
- An increase of \$8,805 for utility rate increases.
- A decrease of 1.00 FTE position to eliminate an unfunded position.

DETAIL: House File 2577 (FY 2005 Healthy Iowans Tobacco Trust Appropriations Act) provides \$35,359 for a Drug Court that includes 1.00 FTE position.

177 7 d. For the fourth judicial district department of
 177 8 correctional services, including the treatment and supervision
 177 9 of probation and parole violators who have been released from
 177 10 the department of corrections violator program, the following
 177 11 amount, or so much thereof as is necessary:
 177 12 \$ 4,248,965

General Fund appropriation to the DOC for the Fourth CBC District Department.

DETAIL: This is an increase of \$47,400 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The increase funds 1.00 currently authorized, unfunded FTE position.

House File 2577 (FY 2005 Healthy Iowans Tobacco Trust Appropriations Act) provides \$191,731 for a Drug Court that includes 3.50 FTE positions.

177 13 e. For the fifth judicial district department of
 177 14 correctional services, including the treatment and supervision
 177 15 of probation and parole violators who have been released from
 177 16 the department of corrections violator program, the following
 177 17 amount, or so much thereof as is necessary:
 177 18 \$ 12,982,837

General Fund appropriation to the DOC for the Fifth CBC District Department.

DETAIL: This is an increase of \$189,599 and a decrease of 4.00 FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$189,599 to fund 4.00 currently authorized, unfunded FTE positions.
- A decrease of 4.00 FTE positions to eliminate unfunded positions.

DETAIL: House File 2577 (FY 2005 Healthy Iowans Tobacco Trust Appropriations Act) provides \$255,693 for a Drug Court that includes 2.50 FTE positions.

177 19 f. For the sixth judicial district department of
 177 20 correctional services, including the treatment and supervision
 177 21 of probation and parole violators who have been released from
 177 22 the department of corrections violator program, the following
 177 23 amount, or so much thereof as is necessary:
 177 24 \$ 10,064,717

General Fund appropriation to the DOC for the Sixth CBC District Department.

DETAIL: This is an increase of \$111,765 and a decrease of 8.00 FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$94,799 to fund 2.00 currently authorized, unfunded FTE positions.
- An increase of \$16,966 for utility rate increases.
- A decrease of 8.00 FTE positions to eliminate unfunded positions.

177 25 g. For the seventh judicial district department of
 177 26 correctional services, including the treatment and supervision
 177 27 of probation and parole violators who have been released from
 177 28 the department of corrections violator program, the following
 177 29 amount, or so much thereof as is necessary:
 177 30 \$ 5,677,314

General Fund appropriation to the DOC for the Seventh CBC District Department.

DETAIL: This is an increase of \$122,389 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$94,799 to fund 2.00 currently authorized, unfunded FTE positions.
- An increase of \$27,590 for utility rate increases.

177 31 h. For the eighth judicial district department of
 177 32 correctional services, including the treatment and supervision
 177 33 of probation and parole violators who have been released from
 177 34 the department of corrections violator program, the following
 177 35 amount, or so much thereof as is necessary:
 178 1 \$ 5,574,865

General Fund appropriation to the DOC for the Eighth CBC District Department.

DETAIL: This is an increase of \$60,960 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$47,400 to fund 1.00 currently authorized, unfunded FTE position.
- An increase of \$13,560 for utility rate increases.

178 2 2. Each judicial district department of correctional
 178 3 services, within the funding available, shall continue
 178 4 programs and plans established within that district to provide
 178 5 for intensive supervision, sex offender treatment, diversion
 178 6 of low-risk offenders to the least restrictive sanction
 178 7 available, job development, and expanded use of intermediate
 178 8 criminal sanctions.

Requires each CBC District Department, within available funding, to continue programs and plans established within the District Department for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate sanctions.

178 9 3. Each judicial district department of correctional
 178 10 services shall provide alternatives to prison consistent with
 178 11 chapter 901B. The alternatives to prison shall ensure public
 178 12 safety while providing maximum rehabilitation to the offender.
 178 13 A judicial district department may also establish a day
 178 14 program.

Requires each CBC District Department to provide alternatives to prison consistent with statute. Permits the District Departments to establish day programs.

178 15 4. The governor's office of drug control policy shall
 178 16 consider federal grants made to the department of corrections
 178 17 for the benefit of each of the eight judicial district
 178 18 departments of correctional services as local government
 178 19 grants, as defined pursuant to federal regulations.

Requires the Office of Drug Control Policy to consider grants made to the DOC for the benefit of the CBC District Departments as local government grants rather than State government grants or as defined by federal regulations.

178 20 Sec. 186. INTENT — REPORTS.

178 21 1. The department of corrections shall submit a report on
 178 22 inmate labor to the general assembly, to the cochairpersons
 178 23 and the ranking members of the joint appropriations

Requires the DOC to submit a report to the General Assembly, Chairpersons and Ranking Members of the Justice System

178 24 subcommittee on the justice system, and to the legislative
 178 25 services agency by January 15, 2005. The report shall
 178 26 specifically address the progress the department has made in
 178 27 implementing the requirements of section 904.701, inmate labor
 178 28 on capital improvement projects, community work crews, inmate
 178 29 produce gardening, and private-sector employment.

Appropriations Subcommittee, and the LSA by January 15, 2005, regarding inmate labor. Specifies the content of the report.

178 30 2. The department in cooperation with townships, the Iowa
 178 31 cemetery associations, and other nonprofit or governmental
 178 32 entities may use inmate labor to restore or preserve rural
 178 33 cemeteries and historical landmarks. The department in
 178 34 cooperation with the counties may also use inmate labor to
 178 35 clean up roads, major water sources, and other water sources
 179 1 around the state. [Any governmental entity or nonprofit agency
 179 2 using inmate labor pursuant to this subsection shall be immune
 179 3 from civil or employer liability.]

Permits the DOC to work with nonprofit and governmental entities to use inmate labor to restore or preserve rural cemeteries or historical landmarks, and clean up roads and water resources. Provides that local governments and nonprofit entities are immune from civil or employer liability under this subsection.

VETOED

VETOED: The Governor vetoed the last sentence in this paragraph, and stated that it "provides blanket immunity even in extreme cases."

179 4 3. The department shall provide a report that details the
 179 5 inmate capacity for each county jail, detention facility, or
 179 6 municipal jail. The report shall also include population data
 179 7 of the jails and detention facilities, and options for
 179 8 integrating jails and detention facilities into the department
 179 9 of corrections. The department shall file the report with the
 179 10 cochairpersons and ranking members of the joint appropriations
 179 11 subcommittee on the justice system and the legislative
 179 12 services agency by December 15 of each year. The department
 179 13 shall also coordinate and provide information to the counties
 179 14 regarding available inmate bed space in each county jail,
 179 15 detention facility, or municipal jail.

Requires the DOC to submit a report regarding local jails to the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and the LSA by December 15 of each year. Specifies the content of the report.

179 16 4. Each month the department shall provide a status report
 179 17 regarding private-sector employment to the legislative
 179 18 services agency beginning on July 1, 2004. The report shall
 179 19 include the number of offenders employed in the private
 179 20 sector, the combined number of hours worked by the offenders,
 179 21 and the total amount of allowances, and the distribution of
 179 22 allowances pursuant to section 904.702, including any moneys

Requires the DOC to provide monthly status reports to the LSA regarding private sector employment of inmates.

179 23 deposited in the general fund of the state.

179 24 Sec. 187. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

179 25 1. As used in this section, unless the context otherwise
179 26 requires, "state agency" means the government of the state of
179 27 Iowa, including but not limited to all executive branch
179 28 departments, agencies, boards, bureaus, and commissions, the
179 29 judicial branch, the general assembly and all legislative
179 30 agencies, institutions within the purview of the state board
179 31 of regents, and any corporation whose primary function is to
179 32 act as an instrumentality of the state.

Encourages State agencies to buy products from Iowa Prison Industries whenever possible. Requires State agencies to obtain a bid from Iowa Prison Industries for purchases of office furniture exceeding \$5,000.

179 33 2. State agencies are hereby encouraged to purchase
179 34 products from Iowa state industries, as defined in section
179 35 904.802, when purchases are required and the products are
180 1 available from Iowa state industries. State agencies shall
180 2 obtain bids from Iowa state industries for purchases of office
180 3 furniture exceeding \$5,000 or in accordance with applicable
180 4 administrative rules related to purchases for the agency.

180 5 Sec. 188. STATE PUBLIC DEFENDER. There is appropriated
180 6 from the general fund of the state to the office of the state
180 7 public defender of the department of inspections and appeals
180 8 for the fiscal year beginning July 1, 2004, and ending June
180 9 30, 2005, the following amounts, or so much thereof as is
180 10 necessary, to be allocated as follows for the purposes
180 11 designated:

180 12 1. For salaries, support, maintenance, and miscellaneous
180 13 purposes, and for not more than the following full-time
180 14 equivalent positions:

General Fund appropriation to the Department of Inspections and Appeals for the Office of the State Public Defender.

180 15 \$ 16,663,446
180 16 FTEs 202.00

DETAIL: Maintains current level of General Fund support and FTE positions.

180 17 2. For the fees of court-appointed attorneys for indigent
180 18 adults and juveniles, in accordance with section 232.141 and
180 19 chapter 815:

General Fund appropriation to the Office of the State Public Defender of the Department of Inspections and Appeals for the Indigent Defense Program.

180 20 \$ 19,355,297

DETAIL: Maintains current level of General Fund support.

180 21 Sec. 189. IOWA LAW ENFORCEMENT ACADEMY.

180 22 1. There is appropriated from the general fund of the
180 23 state to the Iowa law enforcement academy for the fiscal year
180 24 beginning July 1, 2004, and ending June 30, 2005, the
180 25 following amount, or so much thereof as is necessary, to be
180 26 used for the purposes designated:

General Fund appropriation to the Iowa Law Enforcement Academy (ILEA).

DETAIL: Maintains current level of General Fund support and FTE positions.

180 27 For salaries, support, maintenance, miscellaneous purposes,
180 28 including jailer training and technical assistance, and for
180 29 not more than the following full-time equivalent positions:
180 30 \$ 1,066,890
180 31 FTEs 30.05

180 32 It is the intent of the general assembly that the Iowa law
180 33 enforcement academy may provide training of state and local
180 34 law enforcement personnel concerning the recognition of and
180 35 response to persons with Alzheimer's disease.

Specifies the intent of the General Assembly that the Iowa Law Enforcement Academy may offer training for law enforcement officers in recognizing and responding to persons with Alzheimer's disease.

181 1 2. The Iowa law enforcement academy may select at least
181 2 five automobiles of the department of public safety, division
181 3 of the Iowa state patrol, prior to turning over the
181 4 automobiles to the department of administrative services to be
181 5 disposed of by public auction and the Iowa law enforcement
181 6 academy may exchange any automobile owned by the academy for
181 7 each automobile selected if the selected automobile is used in
181 8 training law enforcement officers at the academy. However,
181 9 any automobile exchanged by the academy shall be substituted
181 10 for the selected vehicle of the department of public safety
181 11 and sold by public auction with the receipts being deposited
181 12 in the depreciation fund to the credit of the department of
181 13 public safety, division of the Iowa state patrol.

Allows the Iowa Law Enforcement Academy to annually select at least five vehicles turned in to the State fleet administrator by the Department of Public Safety and exchange them for any of the Academy's training vehicles. The vehicles received by the Department of Public Safety from the Academy are to be sold at public auction. Requires the receipts be deposited into the depreciation fund used to purchase new vehicles for the Department of Public Safety.

181 14 Sec. 190. BOARD OF PAROLE. There is appropriated from the
181 15 general fund of the state to the board of parole for the
181 16 fiscal year beginning July 1, 2004, and ending June 30, 2005,

General Fund appropriation to the Board of Parole.

181 17 the following amount, or so much thereof as is necessary, to
 181 18 be used for the purposes designated:
 181 19 For salaries, support, maintenance, miscellaneous purposes,
 181 20 and for not more than the following full-time equivalent
 181 21 positions:
 181 22 \$ 1,067,910
 181 23 FTEs 16.50

DETAIL: This is an increase of \$50,000 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$25,858 to restore the FY 2004 across-the-board reduction to FY 2005.
- An increase of \$24,142 to fund currently authorized positions and Board per diems.

181 24 Sec. 191. DEPARTMENT OF PUBLIC DEFENSE. There is
 181 25 appropriated from the general fund of the state to the
 181 26 department of public defense for the fiscal year beginning
 181 27 July 1, 2004, and ending June 30, 2005, the following amounts,
 181 28 or so much thereof as is necessary, to be used for the
 181 29 purposes designated:

181 30 1. MILITARY DIVISION

181 31 For salaries, support, maintenance, miscellaneous purposes,
 181 32 and for not more than the following full-time equivalent
 181 33 positions:
 181 34 \$ 5,084,143
 181 35 FTEs 310.80

General Fund appropriation to the Military Division of the Department of Public Defense.

DETAIL: Maintains current level of General Fund support and an increase of 31.52 FTE positions as compared to the estimated net FY 2004 appropriation. The FTE positions are funded from federal funds.

182 1 If there is a surplus in the general fund of the state for
 182 2 the fiscal year ending June 30, 2005, within 60 days after the
 182 3 close of the fiscal year, the military division may incur up
 182 4 to an additional \$500,000 in expenditures from the surplus
 182 5 prior to transfer of the surplus pursuant to section 8.57.

Allows the Military Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Military Division can experience a delay of up to 30 days in federal reimbursement of eligible expenses. This authorization allows the Division to borrow State General Fund dollars to cover federal reimbursable expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that allows the State to receive an advance of federal funds in order to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

182 6 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

182 7 For salaries, support, maintenance, miscellaneous purposes,
 182 8 and for not more than the following full-time equivalent
 182 9 positions:

182 10 \$ 1,123,400
 182 11 FTEs 25.25

General Fund appropriation to the Emergency Management Division of the Department of Public Defense.

DETAIL: Maintains current level of General Fund support and FTE positions.

182 12 Sec. 192. DEPARTMENT OF PUBLIC SAFETY. There is
 182 13 appropriated from the general fund of the state to the
 182 14 department of public safety for the fiscal year beginning July
 182 15 1, 2004, and ending June 30, 2005, the following amounts, or
 182 16 so much thereof as is necessary, to be used for the purposes
 182 17 designated:

182 18 1. For the department's administrative functions,
 182 19 including the criminal justice information system, and for not
 182 20 more than the following full-time equivalent positions:
 182 21 \$ 2,654,732
 182 22 FTEs 37.00

General Fund appropriation to the Department of Public Safety for the Administrative Services Division.

DETAIL: This is an increase of \$215,400 and 1.00 FTE position compared to the estimated net FY 2004 appropriation. This change includes:

- An increase of \$61,500 to restore the FY 2004 across-the-board reduction.
- An increase of \$153,900 and 1.00 FTE position for the IOWA System/Cyber Security.

182 23 2. For the division of criminal investigation and bureau
 182 24 of identification, including the state's contribution to the
 182 25 peace officers' retirement, accident, and disability system
 182 26 provided in chapter 97A in the amount of 17 percent of the
 182 27 salaries for which the funds are appropriated, to meet federal
 182 28 fund matching requirements, and for not more than the
 182 29 following full-time equivalent positions:

182 30 \$ 14,058,510
 182 31 FTEs 221.50

General Fund appropriation to the Department of Public Safety for the Division of Criminal Investigation (DCI).

DETAIL: This is an increase of \$961,034 and 4.00 FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$331,034 to restore the FY 2004 across-the-board reduction.

- An increase of \$250,000 for the Division of Criminal Investigation lab replacement funding.
- An increase of \$280,000 and 4.00 FTE positions for criminalists.
- An increase of \$100,000 for overtime case management.

182 32 The department of public safety, with the approval of the
 182 33 department of management, may employ no more than two special
 182 34 agents and four gaming enforcement officers for each
 182 35 additional riverboat regulated after July 1, 2004, and one
 183 1 special agent for each racing facility which becomes
 183 2 operational during the fiscal year which begins July 1, 2004.
 183 3 One additional gaming enforcement officer, up to a total of
 183 4 four per riverboat, may be employed for each riverboat that
 183 5 has extended operations to 24 hours and has not previously
 183 6 operated with a 24-hour schedule. Positions authorized in
 183 7 this paragraph are in addition to the full-time equivalent
 183 8 positions otherwise authorized in this subsection.

Permits the Department of Public Safety to employ a maximum of two special agents and four gaming officers upon receiving approval from the DOM for new riverboats licensed after July 1, 2004, and for riverboats that have extended operations to 24 hours. Also, permits the employment of one special agent for each racing facility that becomes operational during FY 2005.

183 9 3. a. For the division of narcotics enforcement,
 183 10 including the state's contribution to the peace officers'
 183 11 retirement, accident, and disability system provided in
 183 12 chapter 97A in the amount of 17 percent of the salaries for
 183 13 which the funds are appropriated, to meet federal fund
 183 14 matching requirements, and for not more than the following
 183 15 full-time equivalent positions:
 183 16 \$ 3,930,089
 183 17 FTEs 59.00

General Fund appropriation to the Department of Public Safety for the Narcotics Enforcement Division.

DETAIL: This is an increase of \$218,356 and 2.00 FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$93,500 to restore the FY 2004 across-the-board reduction.
- An increase of \$124,856 and 2.00 FTE positions for narcotics agents.

183 18 b. For the division of narcotics enforcement for
 183 19 undercover purchases:
 183 20 \$ 123,343

General Fund appropriation to the Department of Public Safety for undercover purchases by the Division of Narcotics Enforcement.

DETAIL: This is an increase of \$3,084 compared to the estimated net FY 2004 appropriation to restore the FY 2004 across-the-board reduction.

183 21 4. a. For the state fire marshal's office, including the
 183 22 state's contribution to the peace officers' retirement,
 183 23 accident, and disability system provided in chapter 97A in the
 183 24 amount of 17 percent of the salaries for which the funds are
 183 25 appropriated, and for not more than the following full-time
 183 26 equivalent positions:
 183 27 \$ 2,181,998
 183 28 FTEs 39.00

General Fund appropriation to the Department of Public Safety for the State Fire Marshal's Office.

DETAIL: This is an increase of \$340,166 and 4.00 FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$46,631 to restore the FY 2004 across-the-board reduction.
- An increase of \$226,092 and 4.00 FTE positions for Fire Marshal Inspectors.
- An increase of \$67,443 for vehicle depreciation.

183 29 b. For the state fire marshal's office, for fire
 183 30 protection services as provided through the state fire service
 183 31 and emergency response council as created in the department,
 183 32 and for not more than the following full-time equivalent
 183 33 positions:
 183 34 \$ 638,021
 183 35 FTEs 12.00

General Fund appropriation to the State Fire Marshal's Office for Fire Protection Services.

DETAIL: This is an increase of \$40,181 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$15,181 to restore the FY 2004 across-the-board reduction.
- An increase of \$25,000 for fire equipment replacement.

184 1 5. For the division of the Iowa state patrol of the
 184 2 department of public safety, for salaries, support,
 184 3 maintenance, workers' compensation costs, and miscellaneous
 184 4 purposes, including the state's contribution to the peace
 184 5 officers' retirement, accident, and disability system provided
 184 6 in chapter 97A in the amount of 17 percent of the salaries for
 184 7 which the funds are appropriated, and for not more than the
 184 8 following full-time equivalent positions:
 184 9 \$ 42,517,133
 184 10 FTEs 536.00

General Fund appropriation to the Department of Public Safety for the Iowa State Patrol.

DETAIL: This is an increase of \$4,375,825 and 26.00 FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$962,985 to restore the FY 2004 across-the-board reduction.
- An increase of \$1,200,000 to replace the one-time .08 OWI incentive federal funding received in FY 2004.
- An increase of \$800,000 for vehicle depreciation.

184 11 It is the intent of the general assembly that members of
 184 12 the Iowa state patrol be assigned to patrol the highways and
 184 13 roads in lieu of assignments for inspecting school buses for
 184 14 the school districts.

184 15 It is the intent of the general assembly that approximately
 184 16 one-half of the members of the Iowa state patrol assigned to
 184 17 District 16 be reassigned to patrol duties on the highways and
 184 18 roads, and that candidates from the department of public
 184 19 safety's training school fill vacant positions at District 16
 184 20 due to the reassignment.

184 21 In addition to the amount appropriated in this subsection,
 184 22 there is transferred from the moneys credited during the
 184 23 fiscal year beginning July 1, 2004, to the depreciation fund
 184 24 maintained by the department of administrative services
 184 25 pursuant to section 8A.365, for purposes of the motor pool, to
 184 26 the vehicle depreciation account maintained by the department
 184 27 of public safety for vehicles utilized by the division of the
 184 28 Iowa state patrol. During the fiscal year the department of
 184 29 administrative services shall credit to the depreciation fund
 184 30 at least \$475,000 for purposes of the motor pool. The moneys
 184 31 shall be transferred to the department of public safety on a
 184 32 monthly basis. Moneys transferred pursuant to this paragraph
 184 33 are appropriated to the department of public safety for
 184 34 purposes of vehicle replacement for the division of the Iowa
 184 35 state patrol. Notwithstanding section 8.33, moneys
 185 1 transferred in this paragraph that remain unencumbered or
 185 2 unobligated at the close of the fiscal year shall not revert
 185 3 but shall remain available for expenditure from the department
 185 4 of public safety's vehicle depreciation account for the
 185 5 purposes designated until the close of the fiscal year that

VETOED

- An increase of \$91,000 for State radio equipment.
- An increase of \$1,321,840 and 26.00 FTE positions from the merging of Capitol Police - Post 16 into the Iowa State Patrol.

Specifies the intent of the General Assembly that the Iowa State Patrol assign education officers to perform school bus inspections rather than having road troopers perform these inspections.

Specifies the intent of the General Assembly that approximately one-half of the current Post 16 officers be transferred to duties on the State's highways and roads and the vacant positions be filled with Peace Officer Candidates.

CODE: Transfers, on a monthly basis, a total of \$475,000 of funds in the Vehicle Depreciation Account related to the State Motor Pool to the Vehicle Depreciation Account for the benefit of the Department of Public Safety to be utilized by the Iowa State Patrol. Requires unencumbered and unobligated funds in the Vehicle Depreciation Account for the benefit of the Department of Public Safety to be utilized by the Iowa State Patrol to carry forward at the end of FY 2005 to be utilized by the Iowa State Patrol.

DETAIL: The redirection of funds could have a negative impact on federal funding. The federal government could seek the return of federal funds.

VETOED: The Governor vetoed this language. The language redirected funds that were credited to the Motor Pool Depreciation Account in the Vehicle Depreciation Fund to the Department of Public Safety Depreciation Account. The Governor stated that the consequence of redirecting the funds would include unreliable vehicles for State employees. Shifting the funds around does not preclude the needed resources for all programs.

185 6 begins July 1, 2005.]

185 7 6. For deposit in the public safety law enforcement sick
 185 8 leave benefits fund established under section 80.42, for all
 185 9 departmental employees eligible to receive benefits for
 185 10 accrued sick leave under the collective bargaining agreement:
 185 11 \$ 316,179

General Fund appropriation to create a non-reversionary fund in the Department of Public Safety to be used for sick leave payout. All sworn officers of the Department are eligible to receive benefits for accrued sick leave under the collective bargaining agreement.

DETAIL: This is an increase of \$105,478 compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$5,403 to restore the FY 2004 across-the-board reduction.
- An increase of \$100,075 for sick leave payout.

185 12 An employee of the department of public safety who retires
 185 13 after July 1, 2004, but prior to June 30, 2005, is eligible
 185 14 for payment of life or health insurance premiums as provided
 185 15 for in the collective bargaining agreement covering the public
 185 16 safety bargaining unit at the time of retirement if that
 185 17 employee previously served in a position which would have been
 185 18 covered by the agreement. The employee shall be given credit
 185 19 for the service in that prior position as though it were
 185 20 covered by that agreement. The provisions of this subsection
 185 21 shall not operate to reduce any retirement benefits an
 185 22 employee may have earned under other collective bargaining
 185 23 agreements or retirement programs.

Allows employees of the Department of Public Safety retiring after July 1, 2004, but prior to June 30, 2005, to be eligible for insurance benefits as provided by the collective bargaining agreement. The employees must have previously served in positions that would have been covered by the agreement. This allows supervisors in the Department to keep benefits earned while under the collective bargaining contract.

185 24 7. For costs associated with the training and equipment
 185 25 needs of volunteer fire fighters and for not more than the
 185 26 following full-time equivalent position:
 185 27 \$ 559,587
 185 28 FTEs 1.00

General Fund appropriation to the Department of Public Safety for Volunteer Fire Fighter Training Grants.

DETAIL: This is an increase of \$30,196 and no change in FTE positions compared to the estimated net FY 2004 appropriation. The change includes:

- An increase of \$15,196 to restore the FY 2004 across-the-board reduction.
- An increase of \$15,000 for additional resources for volunteer fire fighter training.

185 29 Notwithstanding section 8.33, moneys appropriated in this
 185 30 subsection that remain unobligated or unexpended at the close
 185 31 of the fiscal year shall not revert but shall remain available
 185 32 for expenditure only for the purpose designated in this
 185 33 subsection until the close of the succeeding fiscal year.

CODE: Allows the balance remaining at the end of the fiscal year to carry forward to the next fiscal year for fire fighter training grants.

185 34 Sec. 193. CIVIL RIGHTS COMMISSION. There is appropriated
 185 35 from the general fund of the state to the Iowa state civil
 186 1 rights commission for the fiscal year beginning July 1, 2004,
 186 2 and ending June 30, 2005, the following amount, or so much
 186 3 thereof as is necessary, to be used for the purposes
 186 4 designated:
 186 5 For salaries, support, maintenance, miscellaneous purposes,
 186 6 and for not more than the following full-time equivalent
 186 7 positions:
 186 8 \$ 825,752
 186 9 FTEs 28.00

General Fund appropriation to the Civil Rights Commission.

DETAIL: Maintains current level of General Fund support and FTE positions.

186 10 The Iowa state civil rights commission may enter into a
 186 11 contract with a nonprofit organization to provide legal
 186 12 assistance to resolve civil rights complaints.

Permits the Civil Rights Commission to contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

186 13 Sec. 194. Section 8D.9, Code Supplement 2003, is amended
 186 14 by adding the following new subsection:
 186 15 NEW SUBSECTION. 4. A community college receiving federal
 186 16 funding to conduct first responder training and testing
 186 17 regarding homeland security first responder communication and
 186 18 technology-related research and development projects shall be
 186 19 authorized to utilize the network for testing purposes.

CODE: Authorizes a community college receiving federal funding to conduct Homeland Security First Responder Training and testing to use the ICN network for testing purposes.

186 20 Sec. 195. Section 13B.4, subsection 2, Code Supplement
 186 21 2003, as amended by 2004 Iowa Acts, House File 2138, section
 186 22 1, if enacted, is amended to read as follows:
 186 23 2. The state public defender shall file a notice with the
 186 24 clerk of the district court in each county served by a public
 186 25 defender designating which public defender office shall
 186 26 receive notice of appointment of cases. The state public

CODE: Requires the Office of the State Public Defender to limit contracts with nonprofit organizations to those currently in effect.

186 27 defender may also designate a nonprofit organization which
186 28 ~~contracts~~ has a contract with the state public defender to
186 29 provide legal services to eligible indigent persons prior to
186 30 July 1, 2004. Except as otherwise provided, in each county in
186 31 which the state public defender files a designation, the state
186 32 public defender's designee shall be appointed by the court to
186 33 represent all eligible indigents, in all of the cases and
186 34 proceedings specified in the designation. The appointment
186 35 shall not be made if the state public defender notifies the
187 1 court that the public defender designee will not provide legal
187 2 representation in certain cases as identified in the
187 3 designation by the state public defender.

187 4 Sec. 196. Section 85.66, Code 2003, is amended to read as
187 5 follows:
187 6 85.66 SECOND INJURY FUND — CREATION — CUSTODIAN.
187 7 The "Second Injury Fund" is hereby established under the
187 8 custody of the treasurer of state and shall consist of
187 9 payments to the fund as provided by this division and any
187 10 accumulated interest and earnings on moneys in the second
187 11 injury fund. The treasurer of state is charged with the
187 12 conservation of the assets of the second injury fund. Moneys
187 13 collected in the "Second Injury Fund" shall be disbursed only
187 14 for the purposes stated in this division, and shall not at any
187 15 time be appropriated or diverted to any other use or purpose.
187 16 The treasurer of state shall invest any surplus moneys of the
187 17 fund in securities which constitute legal investments for
187 18 state funds under the laws of this state, and may sell any of
187 19 the securities in which the fund is invested, if necessary,
187 20 for the proper administration or in the best interests of the
187 21 fund. Disbursements from the fund shall be paid by the
187 22 treasurer of state only upon the written order of the workers'
187 23 compensation commissioner. The attorney general shall be
187 24 reimbursed up to fifty thousand dollars annually from the fund
187 25 for services provided related to the fund. The treasurer of
187 26 state shall quarterly prepare a statement of the fund, setting
187 27 forth the balance of moneys in the fund, the income of the

CODE: Requires the Office of the Attorney General to be reimbursed up to \$50,000 annually from the Second Injury Fund. This Section takes effect upon enactment.

187 28 fund, specifying the source of all income, the payments out of
 187 29 the fund, specifying the various items of payments, and
 187 30 setting forth the balance of the fund remaining to its credit.
 187 31 The statement shall be open to public inspection in the office
 187 32 of the treasurer of state.

187 33 Sec. 197. Section 85.67, Code 2003, is amended to read as
 187 34 follows:
 187 35 85.67 ADMINISTRATION OF FUND — SPECIAL COUNSEL —
 PAYMENT

188 1 OF AWARD.
 188 2 The attorney general shall appoint a staff member to
 188 3 represent the treasurer of state and the fund in all
 188 4 proceedings and matters arising under this division. The
 188 5 attorney general shall be reimbursed up to fifty thousand
 188 6 dollars annually from the fund for services provided related
 188 7 to the fund. The commissioner of insurance shall consider the
 188 8 reimbursement to the attorney general as an outstanding
 188 9 liability when making a determination of funding availability
 188 10 under section 85.65A, subsection 2. In making an award under
 188 11 this division, the workers' compensation commissioner shall
 188 12 specifically find the amount the injured employee shall be
 188 13 paid weekly, the number of weeks of compensation which shall
 188 14 be paid by the employer, the date upon which payments out of
 188 15 the fund shall begin, and, if possible, the length of time the
 188 16 payments shall continue.

CODE: Conforming amendment to the statutory change in Section 196 of this Act, which requires the Office of the Attorney General to be reimbursed up to \$50,000 annually from the Second Injury Fund. This Section takes effect upon enactment.

188 17 Sec. 198. **NEW SECTION. 564.9 DEPARTMENT OF NATURAL**
 188 18 **RESOURCES — ACCESS.**

188 19 1. The department of natural resources shall grant the
 188 20 owner of a parcel of land access to a public road if any of
 188 21 the following applies:
 188 22 a. It is otherwise impossible for the owner to access the
 188 23 public road because the parcel is surrounded by land held by
 188 24 the department.
 188 25 b. The parcel is otherwise surrounded by land with a
 188 26 topography that makes access unreasonable.

VETOED

CODE: Requires the Department of Natural Resources to grant access to a public road to an owner of a parcel of land in certain circumstances.

VETOED: The Governor vetoed this Section, and stated that parceling public land undermines the role of steward of public lands.

188 27 c. Access by another way would cause degradation or

188 28 destroy the integrity of the land.

188 29 2. The department may grant access to the owner by the

188 30 sale, exchange, or other transfer of land or by the grant of

188 31 an easement.

188 32 3. A person entitled to access as provided in this section

188 33 may construct a road for automobile traffic from the parcel to

188 34 the public road. The owner shall be responsible for

188 35 constructing and maintaining any private road from the parcel

189 1 to the public road which shall not be more than twenty feet in

189 2 width unless otherwise agreed to by the parties.]

189 3 Sec. 199. Section 602.8107, subsection 4, unnumbered
189 4 paragraph 1, Code Supplement 2003, is amended to read as
189 5 follows:

189 6 All fines, penalties, court costs, fees, surcharges, and
189 7 restitution for court-appointed attorney fees or for expenses
189 8 of a public defender which are deemed delinquent by the clerk
189 9 pursuant to subsection 3 may be collected by the county
189 10 attorney or the county attorney's designee. Thirty-five
189 11 percent of the amounts collected by the county attorney or the
189 12 person procured or designated by the county attorney shall be
189 13 deposited in the general fund of the county if the county
189 14 attorney has filed the notice required in section 331.756,
189 15 subsection 5, unless the county attorney has discontinued
189 16 collection efforts on a particular delinquent amount. ~~The Up~~
189 17 to one million two hundred thousand dollars of the remainder
189 18 shall be paid each fiscal year to the clerk clerks for
189 19 distribution under section 602.8108. If the threshold amount
189 20 of one million two hundred thousand dollars has been
189 21 distributed under section 602.8108, the remainder shall be
189 22 distributed as provided in subsection 4A. The state court
189 23 administrator shall notify the clerks that the threshold
189 24 amount has been distributed under section 602.8108, and that
189 25 the distribution of any additional moneys collected by the
189 26 county attorney shall be as provided in subsection 4A.

CODE: Creates an incentive program for county attorneys to collect delinquent fines, penalties, court costs, fees, surcharges, and restitution for court-appointed counsel. The incentive program is not available until \$1,200,000 of these delinquent fines are deposited into the State General Fund.

189 27 Sec. 200. Section 602.8107, Code Supplement 2003, is
 189 28 amended by adding the following new subsection:
 189 29 NEW SUBSECTION. 4A. After the threshold amount has been
 189 30 distributed under section 602.8108 as provided in subsection
 189 31 4, thirty-five percent of any additional moneys collected by
 189 32 the county attorney or the person procured or designated by
 189 33 the county attorney shall be deposited in the general fund of
 189 34 the county, and thirty-three percent of any additional moneys
 189 35 collected by the county attorney or the person procured or
 190 1 designated by the county attorney shall be deposited with the
 190 2 office of the county attorney. The remainder shall be paid to
 190 3 the clerk for distribution under section 602.8108.

CODE: Specifies allocation of funds for the incentive program created in the previous section.

[190 4 Sec. 201. Section 815.9, subsection 1, paragraphs a and b,
 190 5 Code 2003, are amended to read as follows:
 190 6 a. A person is entitled to an attorney appointed by the
 190 7 court to represent the person if the person has an income
 190 8 level at or below one hundred ~~twenty-five~~ percent of the
 190 9 United States poverty level as defined by the most recently
 190 10 revised poverty income guidelines published by the United
 190 11 States department of health and human services, unless the
 190 12 court determines that the person is able to pay for the cost
 190 13 of an attorney to represent the person on the pending case.
 190 14 In making the determination of a person's ability to pay for
 190 15 the cost of an attorney, the court shall consider not only the
 190 16 person's income, but also the availability of any assets
 190 17 subject to execution, including but not limited to cash,
 190 18 stocks, bonds, and any other property which may be applied to
 190 19 the satisfaction of judgments, and the seriousness of the
 190 20 charge or nature of the case.
 190 21 b. A person with an income level greater than one hundred
 190 22 ~~twenty-five~~ percent, but at or below two hundred percent, of
 190 23 the most recently revised poverty income guidelines published
 190 24 by the United States department of health and human services
 190 25 shall not be entitled to an attorney appointed by the court,
 190 26 unless the court makes a written finding that not appointing
 190 27 counsel on the pending case would cause the person substantial

VETOED

CODE: Defines indigence for the purpose of appointing counsel at 100.00%, rather than 125.00%, of the U.S. poverty level.

VETOED: The Governor vetoed this Section, and stated that everyone has a constitutional right to counsel, and restrictions should not be placed on that right.

190 28 hardship. In determining whether substantial hardship would
 190 29 result, the court shall consider not only the person's income,
 190 30 but also the availability of any assets subject to execution,
 190 31 including but not limited to cash, stocks, bonds, and any
 190 32 other property which may be applied to the satisfaction of
 190 33 judgments, and the seriousness of the charge or nature of the
 190 34 case.]

190 35 Sec. 202. NEW SECTION. 904.118 IOWA CORRECTIONS OFFENDER
 191 1 NETWORK — FUND.

191 2 An Iowa corrections offender network fund is established
 191 3 under the control of the department. All sales, gifts, and
 191 4 donations related to the Iowa offender network data system
 191 5 shall be credited to the fund and the moneys in the fund are
 191 6 appropriated to the department to be used for further
 191 7 development and general maintenance of the Iowa corrections
 191 8 offender network data system. Notwithstanding section 8.33,
 191 9 moneys credited to the fund shall not revert to any other
 191 10 fund. Notwithstanding section 12C.7, subsection 2, interest
 191 11 or earnings on moneys deposited in the fund shall be credited
 191 12 to the fund.

191 13 Sec. 203. Section 904.809, subsection 5, paragraph c, Code
 191 14 2003, is amended by adding the following new subparagraph:
 191 15 NEW SUBPARAGRAPH. (2A) The department may retain up to
 191 16 fifty percent of any remaining balance after deductions made
 191 17 under subparagraphs (1) and (2) if the remaining balance is
 191 18 from an inmate employed in a new job created on or after July
 191 19 1, 2004. The funds shall be used to staff supervision costs
 191 20 of private sector employment of inmates at correctional
 191 21 institutions. Funds retained pursuant to this subparagraph
 191 22 shall not be used for administrative costs of the Iowa state
 191 23 industries.

CODE: Creates the Iowa Corrections Offender Network Fund, specifies receipts and disbursements, and places the Fund under the control of the DOC. The Section takes effect upon enactment.

CODE: Permits the DOC to retain up to 50.00% of the receipts generated by new jobs for private sector employment of inmates, after certain other deductions have been made. The funds are required to be used for staff supervision costs. Iowa Prison Industries is prohibited from using the funds to recoup administrative costs.

DETAIL: One private employer, H & H Trailers, Inc., is proposing to add a second shift at the Clarinda Correctional Facility. The second shift will employ 55 additional inmates.

FISCAL IMPACT: It is estimated that this provision will generate total revenue of \$162,000 annually beginning in FY 2005. Of this total, \$81,000 will be deposited into the State General Fund and the DOC will retain \$81,000.

191 24 Sec. 204. Section 904.809, subsection 5, paragraph c,
191 25 subparagraph (3), Code 2003, is amended to read as follows:
191 26 (3) Any balance remaining after the deductions made under
191 27 subparagraphs (1), ~~and (2), and (2A)~~ shall represent the costs
191 28 of the inmate's incarceration and shall be deposited,
191 29 ~~effective July 1, 2000,~~ in the general fund of the state.

CODE: Conforming language for the statutory change in the previous section.

DETAIL: Specifies that receipts generated by new jobs for private sector employment of inmates go to the General Fund through June 30, 2004. Beginning in FY 2005, the receipts will be split 50.00% between the General Fund and DOC as stated in the previous section.

191 30 Sec. 205. Section 907.9, subsections 1, 2, and 4, Code
191 31 Supplement 2003, are amended to read as follows:
191 32 1. At any time that the court determines that the purposes
191 33 of probation have been fulfilled and ~~the any~~ fees imposed
191 34 under ~~section~~ sections 815.9 and 905.14 have been paid ~~or on~~
191 35 ~~condition that unpaid supervision fees be paid~~, the court may
192 1 order the discharge of a person from probation.
192 2 2. At any time that a probation officer determines that
192 3 the purposes of probation have been fulfilled and ~~the any~~ fees
192 4 imposed under ~~section~~ sections 815.9 and 905.14 have been paid
192 5 ~~or on condition that unpaid supervision fees be paid~~, the
192 6 officer may order the discharge of a person from probation
192 7 after approval of the district director and notification of
192 8 the sentencing court and the county attorney who prosecuted
192 9 the case.
192 10 4. At the expiration of the period of probation and if the
192 11 fees imposed under ~~section~~ sections 815.9 and 905.14 have been
192 12 paid or on condition that unpaid supervision fees be paid, the
192 13 court shall order the discharge of the person from probation,
192 14 and the court shall forward to the governor a recommendation
192 15 for or against restoration of citizenship rights to that
192 16 person. A person who has been discharged from probation shall
192 17 no longer be held to answer for the person's offense. Upon
192 18 discharge from probation, if judgment has been deferred under
192 19 section 907.3, the court's criminal record with reference to
192 20 the deferred judgment shall be expunged. The record
192 21 maintained by the state court administrator as required by
192 22 section 907.4 shall not be expunged. The court's record shall
192 23 not be expunged in any other circumstances.

CODE: Requires offenders to reimburse the State for court-appointed counsel before being discharged from probation.

192 24 Sec. 206. 1998 Iowa Acts, chapter 1101, section 15,
192 25 subsection 2, as amended by 1999 Iowa Acts, chapter 202,
192 26 section 25, as amended by 2000 Iowa Acts, chapter 1229,
192 27 section 25, as amended by 2001 Iowa Acts, chapter 186, section
192 28 21, as amended by 2002 Iowa Acts, Second Extraordinary
192 29 Session, chapter 1003, section 170, and as amended by 2003
192 30 Iowa Acts, chapter 174, section 17, is amended to read as
192 31 follows:

192 32 2. a. There is appropriated from surcharge moneys
192 33 received by the E911 administrator and deposited into the
192 34 wireless E911 emergency communications fund, for each fiscal
192 35 year in the fiscal period beginning July 1, 1998, and ending
193 1 June 30, ~~2004~~ 2005, an amount not to exceed two hundred
193 2 thousand dollars to be used for the implementation, support,
193 3 and maintenance of the functions of the E911 administrator.
193 4 The amount appropriated in this paragraph includes any amounts
193 5 necessary to reimburse the division of emergency management of
193 6 the department of public defense pursuant to paragraph "b".
193 7 b. Notwithstanding the distribution formula in section
193 8 34A.7A, as enacted in this Act, and prior to any such
193 9 distribution, of the initial surcharge moneys received by the
193 10 E911 administrator and deposited into the wireless E911
193 11 emergency communications fund, for each fiscal year in the
193 12 fiscal period beginning July 1, 1998, and ending June 30, ~~2004~~
193 13 2005, an amount is appropriated to the division of emergency
193 14 management of the department of public defense as necessary to
193 15 reimburse the division for amounts expended for the
193 16 implementation, support, and maintenance of the E911
193 17 administrator, including the E911 administrator's salary.

193 18 Sec. 207. IOWA LAW ENFORCEMENT ACADEMY — FEES.

193 19 Notwithstanding section 80B.11B, the Iowa law enforcement
193 20 academy may charge more than one-half the cost of providing
193 21 the basic training course if a majority of the Iowa law
193 22 enforcement academy council authorizes charging more than one-
193 23 half of the cost of providing basic training. This section is

CODE: Permits continued funding from the Wireless E911 Emergency Communications Fund for the Emergency Management Division of the Department of Public Defense, through FY 2005.

DETAIL: The Division receives up to \$200,000 for the administration of the wireless E911 service.

CODE: Allows the Iowa Law Enforcement Academy to charge more than one-half the cost to provide training if approved by the Law Enforcement Academy Council. This Section is repealed June 30, 2005.

193 24 repealed on June 30, 2005.

193 25 Sec. 208. STATE PUBLIC DEFENDER STUDY. The state public
193 26 defender in consultation with the indigent defense advisory
193 27 commission, the supreme court, the Iowa state bar association,
193 28 the Iowa association of criminal defense lawyers, and other
193 29 interested organizations, shall study cost saving methods that
193 30 can be implemented to deliver legal representation to indigent
193 31 defendants in a more efficient manner. The state public
193 32 defender, in cooperation with the entities consulted with,
193 33 shall file a report with the general assembly by December 15,
193 34 2004. The report shall include recommendations for achieving
193 35 efficiencies in the delivery of indigent defense services
194 1 including but not limited to the advisability of the state
194 2 public defender entering into indigent defense contracts for a
194 3 predetermined fee in specific types of cases.

Requires the Office of the State Public Defender, in cooperation with interested parties, to study cost-saving methods to increase efficiencies. Requires the Office to file a report with the General Assembly by December 15, 2004, and specifies the content of the report.

194 4 Sec. 209. EFFECTIVE DATE. The provisions of this division
194 5 of this Act amending sections 85.66, 85.67, and 904.118, and
194 6 1998 Iowa Acts, chapter 1101, being deemed of immediate
194 7 importance, take effect upon enactment.

Specifies that the Sections relating to the Second Injury Fund, the Iowa Corrections Offender Network Fund, and the Wireless E911 Emergency Communications Fund take effect upon enactment.